

5101:2-44-13.1 **Eligibility and application process for the post adoption special services subsidy (PASSS) program.**

- (A) "Post Adoption Special Services Subsidy" (PASSS) is a state-funded program designed to assist eligible families, after adoption finalization, to receive services consistent with paragraphs (E), ~~(G)~~ and ~~(H)~~ to (L) of this rule.
- (B) PASSS funding is based on a state fiscal year (SFY), July first through June thirtieth. The family is eligible from the first day of the month in which the completed application is approved. Applicants may only request funding for services rendered during the SFY in which the JFS 01050 "Application for a Post Adoption Special Services Subsidy" (rev. 1/2008) is made. A new JFS 01050 must be submitted if additional services are requested during the same SFY or any subsequent SFY. The new application must contain updated information, if applicable, as outlined in paragraph (D) of this rule, including updated financial information.
- (C) ~~An agency~~ A public children services agency (PCSA) shall enter into a PASSS agreement with the child's adoptive parent(s) if the agency considers the child to be in need of public care or protective services. All of the following requirements must be met to be eligible for PASSS:
- (1) The child resides in the Ohio county in which the application is made. The child's residence is the same as that of his or her parent(s).
 - (2) The child has been adopted by someone other than a step parent.
 - (3) The child has a physical or developmental handicap or mental or emotional condition that either:
 - (a) Existed before the adoption petition was filed;
 - (b) Developed after the adoption petition was filed and can be directly attributed to factors in the child's preadoption background or medical history, or biological family's background or medical history.
 - (4) The child meets either of the following requirements:
 - (a) The child is under the age of eighteen; ~~or,~~
 - (b) The child is at least eighteen years of age and less than twenty-one years of age and is mentally or physically handicapped as defined in rule 5101:2-1-01 of the Administrative Code.

- (5) Other sources of assistance are inadequate or are unavailable to meet the child's immediate needs.

(D) A completed JFS 01050 must be submitted with the following documentation:

- (1) A clear written statement of the child's special need as defined in paragraph (C)(3) of this rule. Such statement must be supported by an assessment or evaluation from a qualified professional including an opinion as to the origin of the problem, past history, prognosis and recommendations related to future treatment needs. For the purpose of this rule, a qualified professional is defined as an Ohio licensed ~~or certified~~ independent social worker (LISW), professional counselor licensed by section 4757.23 of the Revised Code, physician, psychiatrist, ~~or~~ psychologist, ~~or licensed independent social worker (LISW). The LISW shall not be an employee of the custodial agency or an employee of the agency providing post adoption special services to the child. The qualified professional shall not be responsible for providing public casework services to the child.~~ The qualified professional's diagnosis of handicap or condition must be within the professional's area of expertise.

(2) A completed JFS 01052 "Credentials for Providers of PASSS Funded Therapeutic Services and Memorandum of Understanding" (1/2008).

- ~~(2)~~(3) A written statement that clearly indicates why the requested service is not within the resources of the family, a copy of the JFS 01681 "Applicant Financial Statement" (rev. 10/2000) and a copy of the family's most recent IRS 1040.

- ~~(3)~~(4) A listing of community resources, as outlined on the JFS 01050, that have been contacted including the date and results of those contacts.

- ~~(4)~~(5) A copy of the relevant provisions in any public or private health insurance policy held by the family regarding the child's eligibility for services and the services that are covered under the policy.

(E) As a condition of continued eligibility for PASSS funds, the adoptive parent(s) shall submit a copy of the child's treatment plan, completed by the service provider, which details the therapeutic intervention(s) that will be provided to the child for the period in which the JFS 01050 will be in effect. The treatment plan shall be submitted to the PCSA within thirty days of the adoptive child's initial visit to the provider.

~~(E)~~(F) The ~~public children services agency (PCSA)~~PCSA may encumber PASSS funds

for the reasonable costs of services for any of the following allowable services:

- (1) ~~Medical and surgical services which may include respite care if required by medical or surgical needs of the child.~~ All medical and surgical services must be determined to be medically necessary by a qualified professional. The medically necessary service shall be the lowest cost alternative that effectively addresses and treats the child's medical problem(s). ~~Medical and surgical respite care services shall not exceed two thousand four hundred dollars per child per SFY and must be administered by an independent provider who resides outside the family home and is not related to the applicant unless the PCSA approves a provider related to the family because of special circumstances that the PCSA outlines in its adoption policy.~~ Medical and surgical services shall not include the cost of orthodontia.
- (2) ~~Psychiatric, psychological, and counseling services, which may include respite care if required by psychiatric, psychological or counseling needs. Respite care services shall not exceed two thousand four hundred dollars per child per SFY and must be administered by an independent provider who resides outside the family home and is not related to the applicant unless the PCSA approves a provider related to the family because of special circumstances that the PCSA outlines in its adoption policy.~~ All psychiatric, psychological and counseling services must be determined to be necessary by a qualified professional.
- (3) Residential treatment, therapeutic foster care or in-patient hospitalization services if required by psychiatric, psychological or counseling needs and approved by a qualified professional. These services may include maintenance costs as long as the costs are included as part of a residential treatment, therapeutic foster care or in-patient hospitalization program. Residential treatment services shall not include the cost of educational services. Approved services for any type of residential treatment facility or therapeutic foster care home must be provided by a residential facility or therapeutic foster care home that is licensed by the Ohio department of job and family services (ODJFS) or the Ohio department of mental health (ODMH) or a comparable agency which is recognized by a state or a similar licensing body.
- (4) Respite care services. For the purpose of this rule, respite care services are defined as services designed to provide temporary relief of child-caring functions. These services may include paid individuals who provide such services within the home or outside the home. Respite care services do not include hospice services for those who are terminally ill, regular child care while parents are working, or therapy, nursing services and other rehabilitative services. Respite care services may be just a few hours a day or

several days in length depending on the needs and circumstances of the adoptive parent and the procedures outlined in the PCSA's adoption policy. Respite care services may be approved for:

(a) Medical and surgical respite care services if required by medical or surgical needs of the child. Medical and surgical respite care services shall not exceed two thousand four hundred dollars per child per SFY and must be administered by an independent provider who resides outside the family home and is not related to the applicant unless the PCSA approves a provider related to the family because of special circumstances that the PCSA outlines in its adoption policy. A PCSA may elect, on a case by case basis, to approve up to an additional two thousand four hundred dollars per child per SFY for medical and surgical respite care services under special circumstances that the PCSA also outlines in its adoption policy.

(b) Mental health respite care services if required by psychiatric, psychological or counseling needs. Mental health respite care services shall not exceed two thousand four hundred dollars per child per SFY and must be administered by an independent provider who resides outside the family home and is not related to the applicant unless the PCSA approves a provider related to the family because of special circumstances that the PCSA outlines in its adoption policy. A PCSA may elect, on a case by case basis, to approve up to an additional two thousand four hundred dollars per child per SFY for mental health respite care services under special circumstances that the PCSA also outlines in its adoption policy.

~~(F)~~(G) Approved services must address the child's physical or developmental handicap or mental or emotional condition that either existed before the adoption petition was filed or developed after the adoption petition was filed and can be attributed to factors in the child's preadoption background, medical history, or biological family's background or medical history.

(H) Approved services that involve any type of therapy must be provided by a qualified professional, as outlined in this rule, who is practicing within his or her scope of practice as noted by his or her education, training and experience. The provider must indicate that his or her therapeutic interventions will comply with all treatment aspects contained in rules 5122-26-16, 5122-26-16.1, 5122-26-16.2 and 5122-26-16.3 of the Administrative Code.

(I) Interventions involving planned physical restraint or coercion (e.g., "therapeutic holding" or "compression holding"), "reworking of trauma" (e.g., "rebirthing therapy"), or promotion of regression for "reattachment" shall not be provided utilizing PASSS dollars. In addition, the following therapeutic techniques shall not be permitted on a treatment plan to be paid from PASSS funds under any

circumstances:

- (1) Face down restraint with back pressure.
- (2) Any technique that obstructs the airway or impairs breathing.
- (3) Any technique that obstructs vision.
- (4) Any technique that restricts the recipient's ability to communicate.
- (5) Pepper spray, mace, handcuffs or electronic restraint devices such as stun guns.
- (6) A drug or medication that is used as a restraint to control behavior or restrict the individual's freedom or movement that is not a standard treatment for the individual's medical or psychiatric condition.

~~(G)~~(J) Except as provided in paragraph ~~(H)~~ (K) of this rule, no more than ten thousand dollars shall be encumbered for any one child in one SFY.

~~(H)~~(K) If ~~the Ohio department of job and family services (ODJFS)~~ ODJFS determines either of the following exists, the limit in paragraph ~~(G)~~ (J) of this rule may be increased up to fifteen thousand dollars per child per SFY:

- (1) The family's income and resources substantially decrease due to the involuntary loss of employment and the family has completed the JFS 01051 "Application for Additional Post Adoption Special Services Subsidy (PASSS) Funding for Extraordinary Circumstances;" ~~or~~ (rev. 7/2004).
- (2) A qualified professional as described in paragraph (D)(1) of this rule recommends residential treatment, in-patient hospitalization, or therapeutic foster care to prevent disruption of the adoption. This recommendation must be submitted along with a copy of the JFS 01051.

~~(H)~~(L) If a family is requesting additional PASSS funding and meets the requirements outlined in paragraph ~~(H)~~ (K) of this rule, the PCSA shall submit the JFS 01051 to ODJFS for review. The JFS 01051 may be submitted by the PCSA along with the initial JFS 01050. ODJFS will approve or deny the JFS 01051 based on paragraph ~~(H)~~ (K) of this rule and respond to the PCSA, in writing, within fifteen days of receipt of a completed application. Receipt of the JFS 01051 is determined by the date the application is date stamped as received by ODJFS. If the JFS 01051 is denied, the family shall be provided information regarding the right to a state hearing pursuant to section 5101.35 of the Revised Code and ~~division-level designation~~ division 5101:6 of the Administrative Code.

~~(J)~~(M) The adoptive parent or parents who receive PASSS funds shall pay at least five per cent of the total cost of all services provided to the child. The PCSA may not exceed the ten thousand dollars or fifteen thousand dollars encumbrance per child, per SFY as outlined in paragraphs ~~(G)~~(J) and ~~(H)~~(K), respectively. The encumbrance shall not include the five per cent payment required of the adoptive parent(s). The PCSA may waive the five per cent requirement if the gross income of the child's adoptive family is not more than two hundred per cent of the federal poverty guideline.

~~(K)~~ In the event state funding is no longer available, the PASSS program will close to new applications until July first of the following SFY. Once state funds have been exhausted neither ODJFS nor the PCSA may be held responsible for payment of services for applications that have not been approved.

~~(L)~~(N) The PCSA shall not approve PASSS funding for any of the following:

- (1) Educational services such as tuition and tutoring;
- (2) Dental and/or orthodontia services including dental/oral surgery;
- (3) Medical and/or mental health co-payments, prescriptions ~~or insurance deductibles~~ and/or prescription co-payments;
- (4) Camp and any recreational services including but not limited to karate, gymnastics, dance classes and fitness club memberships;
- (5) Travel related expenses such as mileage reimbursement, airfare, lodging etc., and automobile purchases and repairs, not including specific types of vehicle modifications that are related to the child's special needs;
- (6) Computer equipment, including software;
- (7) Child care services;
- (8) Property fences.
- (9) Foods, meal supplements and nutrition drinks.
- (10) Service animals.
- ~~(8)~~(11) Services provided by a PCSA or PCPA to make arrangements for adoptive placements;

- ~~(9)~~(12) Services that are equivalent to or are of greater benefit to other members of the family, not including family counseling and respite;
- ~~(10)~~(13) Services to a child for whom a parent-child relationship does not exist;
- ~~(11)~~(14) Services that facilitate contact with a parent whose rights have been terminated;
- ~~(12)~~(15) Services for a child in the custody of a PCSA, ~~or~~ PCPA; ~~or~~ court or any other agency.
- ~~(13)~~(16) Legal fees to finalize the adoption or for any other legal action.
- (O) The PCSA may elect to approve PASSS funding for an insurance deductible, for the child only, in lieu of approving PASSS funds for the cost of services for the child. This shall only be done on a case by case basis under special circumstances that the PCSA has outlined in its adoption policy and when the PCSA has determined that it would be more cost effective to pay the insurance deductible than to pay for the cost of the services.

Effective:

R.C. 119.032 review dates: 02/01/2009

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5153.166
Rule Amplifies: 5153.163
Prior Effective Dates: 10/2/80, 7/1/90, 1/13/92 (Emer.), 9/21/92, 7/1/94,
9/18/96, 1/30/98, 3/6/00 (Emer.), 6/1/00, 7/1/01,
7/1/04